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2-24-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re application of: Auerbach

Attorney Docket No.: CISCP074

Application No.: 09/283,676

Examiner: Najar, Saleh

Filed: 04/01/1999

Group: 2154

Title: PROXIMITY AS AN AID TO CACHING
AND SECONDARY SERVING OF DATA

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on Feb. 10, 2003

Signed: Russell N. Swenson
Russell N. Swenson

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Amendment After Final

Commissioner for Patents
Box Fee Amendment
Washington, D.C. 20231

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Technology Center 2100

Dear Sir:

This amendment and the enclosed remarks are submitted in response to the Final Office Action mailed December 9, 2002. Applicant respectfully requests reconsideration of the captioned application in view of the following remarks and amendments.

In the Claims:

Please amend the claims as follows:

23. (three times amended) A method of releasing stored content items from a server to make room for new content items, the method comprising:

- (a) identifying, on the server, a first stored content item and a second stored content item;
- (b) determining a first proximity between the server and a source of the first stored content item;
- (c) determining a second proximity between the server and a source of the second stored content item; and
- (d) releasing one of the first and second stored content items by directly comparing the relative values of the first and second proximities, wherein at least one of the first and second